

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA

Richmond Division

In re Circuit City Stores, Inc.

Case No. 08-35653-KRH

Adv. Proceeding No. \_\_\_\_\_

CLERK, U.S. DISTRICT COURT  
RICHMOND

Debtor(s)

**TRANSMITTAL OF RECORD ON APPEAL TO DISTRICT COURT**Pursuant to 28 U.S.C. 158, Notice of Appeal was filed herein on 1/2/09 and Amended 1/5/09.

The parties included in the Appeal to the District Court:

APPELLANT(S): Developers Diversified Realty Investors, General Growth Properties, Inc., Weingarten Realty Investors, Basser-Kaufman, Inc., Philips International Holding Corp., Regency Centers, L.P., AAC Management Corp., Jones Lang LaSalle Americas, Inc., Continental Properties Co., andATTORNEY: Benderson Development Company, LLC  
David J. Ervin, Washington Harbour, Ste. 400, 3050 K St., NW, Washington DC 20007  
Robert J. LeHane, 101 Park Ave., New York, NY 10178-0002APPELLEE (S): Circuit City Stores, Inc., et alATTORNEY: Dion W. Hayes, Esq. (Local Counsel) Gregg M. Galardi, Esq  
One James Ctr. 901 E. Cary St. One Rodney Square  
Richmond, VA 23219 Wilmington, DE 19899Brief Description of Judgment/Order Appealed: Decision, dated December 22, 2008, denying the various motions for an Order compelling the Debtors to immediately pay post-petition rent pursuant to sections 365(d)(3) and 503(b)(1)(A) of the Bankruptcy Code (Order Not Entered on Docket)Date Judgment/Order Entered: January 26, 2009

1. Filing Fees: A. Notice of Appeal - Filing Fee \$5.00 ☒ Paid ☐ Not Paid  
B. Appeal Docket Fee - \$250.00 ☒ Paid ☐ Not Paid ☐ Deferred. See attached
2. ☒ Notice of Appeal, Order/Judgment, True Copy Teste of Docket Record, and Designation(s) [if any]
3. ☐ No Designation of Record on Appeal filed (See Certification Below)
4. ☒ Copies of items designated by Appellant/Appellee have been submitted pursuant to FRBP 8006 and LBR 8006-1

Date: March 03, 2009WILLIAM C. REDDEN, Clerk of the Court  
By: /s/ Jennifer A. Jafarbay, Deputy Clerk**CERTIFICATION TO APPELLATE COURT**

It is hereby certified that the designation of record required by Federal Rule of Bankruptcy Procedure 8006 and Local Bankruptcy Rule 8006-1 has not been filed within ten (10) days after the filing of the notice of appeal.

WILLIAM C. REDDEN, Clerk of the Court  
By: \_\_\_\_\_, Deputy Clerk

District Clerk - Please complete and return second copy.

DISTRICT COURT CASE NUMBER 3:09CV123Date 3/3/2009cc: Attorney for Appellant(s)  
Attorney for Appellee(s)

[appttrans ver. 11/01/03]

*Judge Hudson*